

ADELPHIA RECOVERY TRUST,

 Plaintiff,

 vs.

 BANK OF AMERICA, N.A., et al.,

 Defendants.

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) Adversary Proceeding
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) No. 05 Civ. 9050 (LMM)
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PLEASE TAKE NOTICE that upon the Declaration of Nancy I. Ruskin, dated June 30, 2008 (“Ruskin Decl.”), and the accompanying Memorandum of Law, the Bank Defendants¹ will move this Court, at a date and time to be determined by this Court, pursuant to Rule 37 of the Federal Rules of Civil Procedure and Rule 37.2 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order compelling the production of documents and precluding the assertion of privilege by plaintiff, and for such other relief as this Court deems just and proper; and

¹ The Bank Defendants are defined in the Ruskin Declaration.

NOTICE IS FURTHER GIVEN that responses to the motion, if any, shall be served by hand on or before July 14, 2008 on counsel for the Bank Defendants, Cleary Gottlieb Steen & Hamilton LLP, One Liberty Plaza, New York, New York 10006, Attention: Mitchell A. Lowenthal, Esq.

Dated: New York, New York
June 30, 2008

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